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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,221	01/20/2004	Tomonori Uemura	UEMURA9	6445

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EXAMINER

SHERR, CRISTINA O

ART UNIT PAPER NUMBER

3621

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,221

Applicant(s)

UEMURA ET AL.

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

A

DETAILED ACTION

1. This communication is in response to the application filed January 20, 2004.

Claims 1-19 have been examined in this case.

Priority

2. Receipt is acknowledged of a certified copy of the Japanese application referred to in the oath or declaration or in an application data sheet. If this copy is being filed to obtain the benefits of the foreign filing date under 35 U.S.C. 119(a)-(d), applicant should also file a claim for such priority as required by 35 U.S.C. 119(b). If the application being examined is an original application filed under 35 U.S.C. 111(a) (other than a design application) on or after November 29, 2000, the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. See 37 CFR 1.55(a)(1)(i). If the application being examined has entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and Regulations of the PCT. See 37 CFR 1.55(a)(1)(ii). Any claim for priority under 35 U.S.C. 119(a)-(d) or (f) or 365(a) or (b) not presented within the time period set forth in 37 CFR 1.55(a)(1) is considered to have been waived. If a claim for foreign priority is presented after the time period set forth in 37 CFR 1.55(a)(1), the claim may be accepted if the claim properly identifies the prior foreign application and is

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accompanied by a grantable petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55(c).

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al (US 6,708,157).

6. Regarding claim 1 –

Stefik discloses a license distribution management server for distributing licenses for watching and/or listening to digital contents, having: purchase certificate generating means for generating a purchase certificate on the basis of a license purchase request received via a network, and license generating means for receiving a license request via the network and generating a license matching the purchase certificate contained in said license request (e.g. abstract, col 3 ln 55-col 4 ln 35).

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7. Stefik does not employ precisely the terminology and steps of the instant application. However, mere renaming and reordering of steps does not constitute patentability.

8. Regarding claims 2-6 –

Stefik discloses the license distribution management server according to Claim 1, further provided with a purchase certificate database for holding said purchase certificates, wherein: said license generating means, on the basis of an account settlement completion notice received via the network, register account settlement completion information matched with the purchase certificate into said purchase certificate database; wherein said account settlement completion information includes at least information concerning the number of times a license can be granted; wherein said license generating means generate a license when the purchase certificate contained in the license request received via the network is included in said purchase certificate database and pertinent account settlement completion information is registered; further provided with license granting means for distributing said licenses, wherein said license granting means, when having received a reception notice for said license via the network, delete the purchase certificate matching said license from said purchase certificate database; further provided with license granting means for distributing said licenses, wherein said license granting means, when having received a reception notice for said license via the network, update the number of times said contents are provided (e.g. col 3 ln 55 – col 4 ln 35).

9. Regarding claim 7 –

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Stefik discloses the license distribution management server according to Claim 1, wherein said purchase certificate generating means generate a purchase certificate to which an electronic signature by which any alteration of said purchase certificate can be detected is generated and detects the presence or absence of the alteration on the basis of the electronic signature contained in the reception notice of the purchase certificate returned from a client terminal ((e.g. col 6 ln 45-55).

10. Regarding claim 8 –

Stefik discloses a license distribution management server according to Claim 1, wherein said purchase certificate generating means generate a purchase certificate to which an ID for distinguishing each individual purchase certificate is attached, register said ID into said purchase certificate database, collate the ID contained in the reception notice of the purchase certificate returned from the client terminal with said purchase certificate database and, if the ID is found consistent, instruct said license generating means to generate a license (e.g. col 3 ln 55 – col 4 ln 35).

11. Regarding claim 9 –

Stefik discloses a license distribution management server according to Claim 2, further provided with generated purchase certificate invalidating means for deleting, out of the purchase certificates stored in said purchase certificate database, those having passed a certain period of time since their generation (e.g. col 2 ln 40-55).

12. Regarding claim 10 –

Stefik discloses a license reissue device requesting a license distribution management server provided with a purchase certificate database holding license purchase

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certificates and account settlement information to regenerate purchase certificates and account settlement information already deleted from said purchase certificate database (e.g. abstract, col 3 ln 55-col 4 ln 35).

13. Stefik does not employ precisely the terminology and steps of the instant application. However, mere renaming and reordering of steps does not constitute patentability. Specifically, Stefik does not refer to license reissue as such. However, Stefik does provide for the storing of licenses such that they can be found for use as needed.

14. Regarding claim 11 –

Stefik discloses a license reissue device according to Claim 10, wherein said license reissue device requests said license distribution management server also to regenerate information regarding the number of times the license has been granted (e.g. abstract, col 3 ln 55-col 4 ln 35).

15. As above, Stefik does not employ precisely the terminology and steps of the instant application. However, mere renaming and reordering of steps does not constitute patentability. Specifically, Stefik does not refer to license reissue as such. However, Stefik does provide for the storing of licenses such that they can be found for use as needed.

16. Regarding claim 12 –

Stefik discloses a remote server for selling licenses for digital contents, comprising: account settling means for settling accounts of license trading, and purchase certificate providing means for transmitting a purchase certificate to a client terminal having sent a

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pertinent purchase request, wherein: said purchase certificate providing means, when having received a reception notice of a purchase certificate from said client terminal, instruct said account settling means to settle a pertinent account (e.g. abstract, col 3 In 55-col 4 In 35).

13. Stefik does not employ precisely the terminology and steps of the instant application. However, mere renaming and reordering of steps does not constitute patentability. Specifically, Stefik does not refer to storefronts as such. However, Stefik does provide for the selling of licenses at remote locations as needed.

14. Regarding claims 13-18 –

Stefik discloses a remote server according to Claim 12, wherein said purchase certificate providing means, when having received the reception notice of said purchase certificate, transmit a request for detection of the presence or absence of alteration of a purchase acknowledging signature contained in the reception notice; further provided with a purchase certificate ID database for holding IDs for distinguishing said purchase certificate, wherein: said purchase certificate providing means transmit the purchase certificate, register the ID of said purchase certificate into said purchase certificate ID database, collate an ID of a purchase certificate returned from said client, when it has been received, with said purchase certificate ID database and, if the ID is found consistent, instruct said account settling means to settle the pertinent account; further provided with a purchase certificate ID database for holding IDs for distinguishing a purchase certificate container containing one or more purchase certificates, wherein:

said purchase certificate providing means generate and transmit said purchase certificate container, register an ID of said purchase certificate container into said purchase certificate ID database, collate an ID of a purchase certificate returned from said client, when it has been received, with said purchase certificate ID database and, if the ID is found consistent, instruct said account settling means to settle the pertinent account; wherein said purchase certificate providing means, if the ID is found consistent as a result of the collation, delete the pertinent ID from said purchase certificate ID database; wherein said purchase certificate providing means, if the ID is found consistent as a result of the collation, delete the pertinent ID from said purchase certificate ID database; wherein said purchase certificate providing means are provided with failed-to-grant purchase certificate deleting means which, when a prescribed length of time has passed since the time a purchase certificate was transmitted, delete the pertinent ID from said purchase certificate ID database (e.g. col 3 ln 55-col 4 ln 35).

15. As above, Stefik does not employ precisely the terminology and steps of the instant application. However, mere renaming and reordering of steps does not constitute patentability. Specifically, Stefik does not refer to storefronts as such. However, Stefik does provide for the selling of licenses at remote locations as needed.

17. Regarding claim 19 –

Stefik discloses a client terminal for purchasing licenses for digital contents, which: receives and holds a purchase certificate via a network, transmits a reception notice of the purchase certificate and, when it transmits a license request, attaches said held purchase certificate to the license request (e.g. col 6 ln 15-67).

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18. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Levy et al (US 2002/0186844) discloses user-friendly rights management systems and methods.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shela June L.
PRIMARY EXAMINER